

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational License Number 190571 § AGREED
issued to AMY ANDREA ROSALEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMY ANDREA ROSALEZ, Vocational Nurse License Number 190571, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 26, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Kingwood College, Kingwood, Texas, on August 6, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on September 24, 2003
5. Respondent's vocational nursing employment history includes:

10/2003-11/2004	Staff Nurse	San Jacinto Methodist Hospital Baytown, Texas
12/2004	Unknown	
1/2005-2/2005	Staff Nurse	Mission Nursing Home Mission, Texas

Respondent's vocational nursing employment history continued:

2/2005-4/2005	Staff Nurse	National Nursing and Rehab Harlingen, Texas
4/2005-6/2005	Staff Nurse	Valley Dialysis/U.S. Renal Care, Inc. McAllen, Texas
6/2005-4/2006	Staff Nurse	Southwest Asthma and Allergy Associates Houston, Texas
5/2006-7/2006	Staff Nurse	Northeast Medical Center Humble, Texas
8/2006-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Northeast Medical Center, Humble, Texas, and had been in this position for two (2) months.
7. On or about July 11, 2006 while employed at Northeast Medical Center, Humble, Texas, Respondent failed to notify the physician of the lab results for Patient Number 561445, as ordered. Respondent's conduct was likely to injure the patient from possibly non-efficacious medical care decisions made by the physician.
8. On or about July 11, 2006 while employed at Northeast Medical Center, Humble, Texas, Respondent failed to clarify with the physician what appeared to be a physician's order to transfuse two (2) Units of Packed Red Blood Cells (PRBCs) to Patient Number 561445 after Respondent detected a discrepancy in the written order when comparing it to the computer generated orders. Although not documented, Respondent instead brought the discrepancy to the attention of the Resource Nurse, and unbeknownst to either Respondent or the Resource Nurse, the unit secretary had mistakenly included an order in the computer to transfuse the PRBCs when the physician had only ordered that they be typed and screened. Consequently, subsequent nurses, who also failed to verify the original order, transfused the two (2) Units of PRBCs to the patient. Respondent's conduct contributed to the patient receiving in error two (2) units of PRBCs that had not been cross-matched, as required before administration, which could have caused the patient to suffer from transfusion reactions, including fever, anaphylaxis and possible demise.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she received report from the off-going Registered Nurse that the patient was to receive a blood transfusion. Respondent indicates that she checked the physician's written orders, which were to type and screen 2 units PRBCs, with the computer orders, which indicated to type, cross-match and transfuse the units, and brought the discrepancy to the attention of the Resource Nurse. At that time the lab called stating that the blood was ready, and the Resource Nurse told the Respondent to, "...just run get me the blood and I will handle the rest."

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(D)&(1)(N) and 217.12(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 190571, heretofore issued to AMY ANDREA ROSALEZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to AMY ANDREA ROSALEZ to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6)

hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

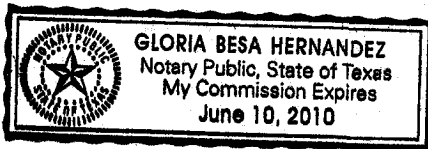
Signed this 24 day of October, 2008.

Amy A. Rosalez
AMY ANDREA ROSALEZ, Respondent

Sworn to and subscribed before me this 24th day of October, 2008.

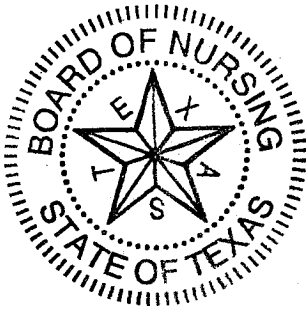
SEAL


Gloria Besa Hernandez
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 24th day of October, 2008, by AMY ANDREA ROSALEZ, Vocational Nurse License Number 190571, and said Order is final.

Effective this 3rd day of November, 2008.




Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board